

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

STATE CAPITAL TITLE &
ABSTRACT COMPANY

Plaintiff,

v.

PAPPAS BUSINESS SERVICES, LLC;
GARY J. PAPPAS;
MARY E. PAPPAS

Defendants.

Civil Action No. 3:08-cv-3619-FLW

ORDER

THIS MATTER having been opened to the Court by Defendants Pappas Business Services, LLC; Gary J. Pappas; and Mary E. Pappas (collectively “Defendants”), through their counsel Francis X. Riley, III, Esq., to dismiss Counts Two, Four, Six, and Seven of Plaintiff State Capital Title and Abstract Company’s (“Plaintiff”) First Amended Complaint; it appearing Plaintiff having filed a Motion for Leave to File an Amended Complaint, through its counsel Paul W. Norris, Esq.; it appearing Plaintiff having proposed a Second Amended Complaint asserting a fraud in the inducement claim; the Court having considered the moving, opposition, and reply papers; this matter being considered pursuant to Fed. R. Civ. P. 78; for the reasons stated in the Opinion filed on this date, and for good cause shown;

IT IS on this 13th day of January, 2009;

ORDERED that Defendant’s Motion to Dismiss Counts Two, Four, Six and Seven of Plaintiff’s First Amended Complaint is **GRANTED**; and it is further

ORDERED that Plaintiff is granted leave to file a Second Amended Complaint to plead a fraud in the inducement claim excluding Counts Two, Four, Six and Seven of that Amended Complaint, consistent with this Court's Opinion filed on this date.

/s/ Freda L. Wolfson
Freda L. Wolfson, U.S.D.J.